

IFW

DAC 1/8

PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154  
Appln. No. 09/985,995



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q66996

Tsutomu YOSHITAKE, et al.

Appln. No.: 09/985,995

Group Art Unit: 2878

Confirmation No.: 4588

Examiner: Timothy J. MORAN

Filed: November 07, 2001

For: OXIDE THIN FILM FOR A BOLOMETER, PROCESS FOR PRODUCING THE SAME,  
AND INFRARED SENSOR USING THE SAME

**PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154**

**MAIL STOP PATENT EXT.**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.705, Applicant requests reconsideration of the Patent Term Adjustment to read 268 days, as originally indicated in the Determination of Patent Term Adjustment forwarded with the Notice of Allowance on October 2, 2003. Enclosed are a copy of the Determination of Patent Term Adjustment forwarded with the Notice of Allowance and a copy of the Issue Notification for the above-identified application. Also enclosed is a copy of the Filing Receipt for the only submission made by the Applicant between mailing of the Notice of Allowance and payment of the Issue Fee.

As evident from these papers and from the PAIR and PALM systems, the only submission filed by the Applicant between mailing of the Notice of Allowance and payment of the Issue Fee was a paper with "Statement of Substance of Interview." As clarified in the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "only certain papers (not all papers) ... cause substantial interference and delay in the patent issue process," and a Statement of Substance of Interview is not an example of a paper which is

04/29/2004 LWDND12 00000108 194860 09985995  
01 FC:1455 200.00 DA

PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154  
Appln. No. 09/985,995

considered a “failure to engage in reasonable efforts’ to conclude processing or examination of the application.” Accordingly, Applicant requests reinstatement of all of the 120 days of the term reduced, to again provide Applicant with the full patent term adjustment of 268 days set forth in the Determination of Patent Term Adjustment forwarded with the Notice of Allowance.

This request is filed within 30 days of the date of issuance for the application captioned above. This application is not subject to a terminal disclaimer.

The USPTO is directed and authorized to charge the statutory fee of \$200.00 to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



Stan Torgovitsky  
Registration No. 43,958

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

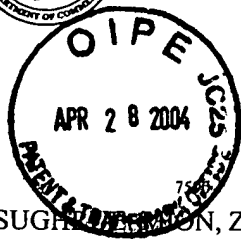
CUSTOMER NUMBER

Date: April 28, 2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



## NOTICE OF ALLOWANCE AND FEE(S) DUE

10/02/2003

SUGHRON, PLESS, FIERMAN, ZINN  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

### DOCKETED

OCT 06 2003

EXAMINER	
MORAN, TIMOTHY J	
ART UNIT	PAPER NUMBER

2878

DATE MAILED: 10/02/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,995	11/07/2001	Tsutomu Yoshitake	Q66996	4588

TITLE OF INVENTION: OXIDE THIN FILM FOR A BOLOMETER, PROCESS FOR PRODUCING THE SAME, AND INFRARED SENSOR USING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	01/02/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,995	11/07/2001	Tsutomu Yoshitake	Q66996	4588

7590 10/02/2003  
SUGHRUE, MION, ZINN  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213



EXAMINER

MORAN, TIMOTHY J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 10/02/2003

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 268 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 268 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,995	03/30/2004	6713763	Q66996	4588

7590 03/11/2004  
SUGHRUE, MION, ZINN  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213



**ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 148 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**APPLICANT(S):**

Tsutomu Yoshitake, Tokyo, JAPAN;  
Hideto Imai, Tokyo, JAPAN;



34

FILING RECEIPT  
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Tsutomu YOSHITAKE, et al.

Appln. No.: 09/985,995

Confirmation No.: 4588

Filed: November 07, 2001



Group Art Unit: 2878

Examiner: Timothy J. MORAN

For: OXIDE THIN FILM FOR A DOLBY B, PROCESS FOR PRODUCING THE SAME, AND  
INFRARED SENSOR USING THE SAME

PAPER(S) FILED ENTITLED:

1. Statement of Substance of Interview

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

DOCKET NO.: Q66996

ATTORNEY/SEC: JTC/ecb

Date Filed: November 3, 2003

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q66996

Tsutomu YOSHITAKE, et al.

Allowed: 10/02/2003

Appln. No.: 09/985,995

Group Art Unit: 2878

Confirmation No.: 4588

Examiner: Timothy J. MORAN

Filed: November 7, 2001

For: OXIDE THIN FILM FOR A BOLOMETER, PROCESS FOR PRODUCING THE SAME,  
AND INFRARED SENSOR USING THE SAME

**STATEMENT OF SUBSTANCE OF INTERVIEW**

**BOX ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOV 1 - 2003

Sir:

Please review and enter the following remarks summarizing the interview conducted on  
September 22, 2003:

**REMARKS**

An Examiner's Interview Summary Record (PTO-413) was attached with the Notice of  
Allowance and Fee(s) Due dated October 2, 2003.

The interview was initiated by the Examiner. Therefore, no further recordation by the  
Applicant is believed to be required.

During the interview, the following was discussed: an amendment to Claim 12, line 2, to  
change "comprising" to "comprises".

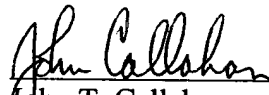
1. Brief description of exhibits or demonstration: none.
2. Identification of claims discussed: Claim 12.

YOSHITAKE et al.  
Appln. No. 09/985,995  
Statement of Substance of Interview

3. Identification of art discussed: none.
4. Identification of principal proposed amendments: See above.
5. Brief Identification of principal arguments: none.
6. Indication of other pertinent matters discussed: none.
7. Results of Interview: Claim 12 was amended by Examiner's Amendment.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
John T. Callahan  
Registration No. 32,607

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 3, 2003